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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,330	03/15/2004	Kazutaka Shiraishi	09868/0200587-US0	1947
7278	7590	12/19/2007		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER SHAH, MILAP	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			12/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/801,330	Applicant(s) SHIRAISHI, KAZUTAKA	
	Examiner Milap Shah	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-10,12 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-10,12 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed November 14, 2007. The Examiner acknowledges that claims 1, 3, 10, & 12 were amended, claims 2, 4, 11, & 13 were canceled, and claims 19-23 were added. Therefore, claims 1, 3, 5-10, 12, & 14-23 are currently pending.

Claim Objections

Claim 15 is objected to because of the following informalities: There appears to be a typographical error in the recitation of "... closing a cover using said a device for...", where it appears that --said-- should be removed. Appropriate correction is required. [This objection is maintained from the Office Action mailed July 9, 2007 as no response to this objection was received in the most recent amendment and remarks]

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5-10, 12, & 14-18 rejected under 35 U.S.C. 102(e) as being anticipated by Asdale (U.S. Patent Application Publication No. 2004/0023714).

Claims 1 & 10: Asdale discloses the same invention including a gaming machine and method for operating the gaming machine comprising:

receiving a betting operation input by a player (paragraph 0012);

evaluating whether a predetermined condition is met in a game according to the received betting operation (paragraph 0012, note the triggering event is the predetermined condition that is in accordance with the betting operation received, such as a wagered pay line);

selecting a display region for changing the number of symbols displayed (paragraph 0011, note the random appearance of the symbol stacks is the selection of display regions that are to be changed, that is, those display regions are randomly selected by the game machine and will be changed based on the removal of symbols from the symbol stacks in accordance with the game rules);

changing a number of symbols being displayed in the selected display region if the predetermined condition is met (paragraph 0012, the triggering event required is the appearance of the symbol stack upon a wagered pay line, in which the symbol stack commences "changing" of the symbols displayed within that selected symbol stack region via removal of symbols from within the stack; see also paragraphs 0006-0022 that disclose the summary of the invention including disclosure of a symbol stack that changes a number of symbols displayed in a specific display region, where "a number of symbols" does not necessarily appear to infer that the quantity of symbols increases, but rather merely discloses "a number of symbols changes", thus, 1 symbol changing to another symbol in the situation that symbol stack occurs and new symbols sequentially replace current symbols is considered sufficient to meet the limitation).

Note, the various "modules" of claim 1 are merely considered portions of programming code that control or process the various intended steps.

Claims 3 & 12: Depending on where the symbol stacks randomly appear, the gaming machine will “change” a number of symbols displayed in one, some or all of the display regions. For example, figures 3A-3D show at least 2 display regions or symbol positions being changed.

Claims 5 & 14: Using a broadest reasonable interpretation, the gaming machine disclosed by Asdale appears to expand an area of the display, particularly the area that includes a symbol stack, to change a number of symbols being displayed (figures 3A-3D).

Claims 6 & 15: Using a broadest reasonable interpretation of “a cover”, Asdale discloses the top-most symbol within a symbol stack will be automatically removed at the beginning of the “changing” symbols operation, thus, the top-most symbol is considered a cover for those display positions having the symbol stacks which cause changing of symbols within those display areas (paragraph 0011). Thus, Asdale discloses “a cover” that can initially be closed and then open to reveal a number of symbols.

Claims 7, 8, 16, & 17: Asdale discloses a normal game state in which a plurality of symbols are displayed and evaluated for a payout, as any normal gaming machine of its kind, however, Asdale further discloses a special game state, during which a symbol stack is able to be used in place of some symbol positions, such that the symbol stack provides a special game state since the pay lines including the symbol stack will get re-evaluated a number of times until the total number of symbols in the symbol stack have sequentially been displayed, thus, the symbol stack portion of the game is considered the special game state and the display control module displays new symbols during the special game state (paragraphs 0006-0022). Additionally, Asdale discloses that the special game state or usage of the symbol stacks is independent of wagering, such that the symbol stacks are in response to triggering event, such that one possible triggering event is simply the appearance of the symbol stack (see paragraphs 0011-0012).

Claims 9 & 18: Asdale discloses increasing a number of symbols that can be displayed in the display regions to change the number of symbols at least when the symbol stacks are expanded to show that a symbol stack is present, such as the display shown in at least figure 3A. In figure 3A, "a number of symbols" changes such that the two display regions that were selected to be changed show at least 3 symbols each in a stack formation, representing additional symbols for those particular display regions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asdale, as applied to claims 1, 3, 5-10, 12, & 14-18, where applicable, in view of Baerlocher (U.S. Patent Application Publication No. 2003/0060266).

Claims 19-21: Asdale discloses the invention substantially as claimed except for explicitly disclosing the bet received corresponds to a MAXBET play, a MAX line play, or an additional bet. Regardless of such a deficiency, such bet types are notoriously well known in the art to those of ordinary skill whereby many gaming machines are known to establish eligibility for a bonus feature or secondary game based on the wager being of at least a certain threshold, such as a MAXBET, MAX line, or just a straight additional bet type. However, for the sake of avoiding mere assertions or allegations, the Examiner submits Baerlocher, which explicitly and clearly discloses that eligibility for bonus features or secondary games is dependent on wagers. Any variation of what exactly the wager must

be is merely an art recognized equivalent threshold to MAXBET or MAX line, as they're all equally enticing players to player larger wagers, which can be set to virtually anything, even a total number of games played or lost before eligibility for a triggering event begins. Limiting these triggering events to higher paying wagers or wagers which have met some predetermined criteria appears to increase the number of higher wagers; thereby increasing gaming revenue as it has been proven in the art that many players will opt for MAXBET type plays to maximize their potential for profitability through enhanced payouts, bonus features, and secondary games which only are activated when those bets are placed. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Asdale with the teachings of Baerlocher to provide a gaming machine in which a bonus or additional feature is only activated upon the wager being at least a certain level such as a MAXBET, MAX line or straight additional bet for at least the reasons presented above.

Claims 22 & 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Asdale & Baerlocher, as applied to claims 19-21, where applicable, further in view of Official Notice.

Claims 22 & 23: The combination of Asdale & Baerlocher disclose the invention substantially as claimed except for explicitly disclosing when an additional bet may be placed, such as before "the game" is played (i.e. the base or primary game) or after the game is played. The Examiner takes Official Notice that it is notoriously well known in the art to provide a wide variety of betting styles such that players can bet on additional features either before or after viewing a partial outcome or end result of a primary game, such as additional wagers after receiving partial hands in card games or additional wagers before or after stopping 1 of 3 reels in a slot machine. These concepts are well known in the art, thus allowing the additional bet to be placed before or after the primary game

result would have been well within common knowledge and skill level to one of ordinary skill in the art. Thus, the Examiner submits that a specific reference is unnecessary for such a widely known gaming feature. If requested, the Examiner will provide a reference or references. Therefore, it would have been prima facie obvious to modify the combination of Asdale & Baerlocher to obtain the invention as specified in either claims 22 or 23 in view of the Official Notice.

Response to Arguments

In view of Applicant's amendments to at least independent claims 1 & 10, the rejections under the Gauselmann and Jaffe references are hereby withdrawn. The Examiner does not expressly admit that these references fail to teach or suggest the claimed subject matter, rather the rejections of all claims were rewritten in view of the amendments using the Asdale reference alone or as the base reference in a combination. The rejections are based on amended language, thus, this action is properly made FINAL.

Response to Applicant's specific arguments regarding Asdale are incorporated within the new/updated rejections above. See the above rejections.

For at least these reasons, claims 1, 2, 4-10, 12, 13, & 15-23 are rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

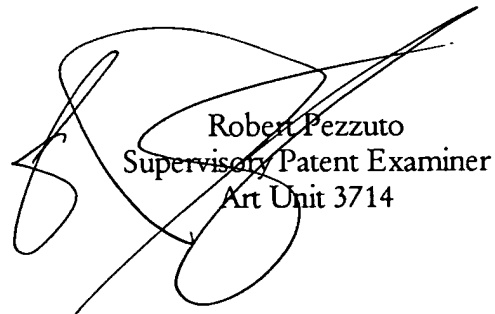
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert Pezzuto
Supervisory Patent Examiner
Art Unit 3714

/MBS/